

Notice of Allowability

Application No.

10/696,449

Examiner

Daniel J. Cavallari

Applicant(s)

BROTTO, DANIELE C.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/1/2006.
2. ☒ The allowed claim(s) is/are 1-13, 17-43, 46, 47, 50, 51, 53, 54, 57, 58, 60 and 61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

The examiner acknowledges a submission of the amendment filed on 2/1/2006.

The amendments to claims 1, 3, 4, 6, 7, 8, 9, 11, 13, 18, 19, 24, 25, 27, 30, 32, 34, 40, 42, 46, 47, 50, 51, 53, 54, 57, 58, 60, and 61 & cancellation of claims 14-16, 44, 45, 48, 49, 52, 55, 56, 59, and 62-69 are accepted.

Response to Amendment

The previously made claim objection to claims 2, 12, 25, and 32 has been withdrawn in view of the amendments to those claims.

Applicant's arguments in regard to the 112, second paragraph rejection of claims 6, 11, 18, 23, 28, 29, 31, & 38 (See Remarks, Pages 15-16) have been fully considered and are persuasive. The previously made 112, second paragraph rejection has been withdrawn.

Allowable Subject Matter

Claims 1-13, 17-43, 46, 47, 50, 51, 53, 54, 57, 58, 60, and 61 are allowable.

In regard to Claims 1-12, 25-39, 40-41

Claims 1, 25, & 40 recite the limitation of an electrically powered motor with a controller for preventing startup wherein power is applied to the device when the device is initially electrically connected to a power source and uses the controller to fire an

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electric switch to couple the motor to one side of the power source at an insufficient level preventing the motor to rotate.

Barthel et al. (US 4,466,040) teaches providing a motor with insufficient power for the motor to function (See Abstract) when the motor control switch is on and the device is initially plugged in and further teaches an electronic valve read on by a triac (66) and Bradus teaches using a microcontroller to control a motor and providing speed control at low conduction angles to a triac to control the motor (See Abstract and Column 5, Lines 54-66) however prior art fails to teach using a controller to fire an electric switch coupled to a motor to couple the motor to one side of a power source at a level insufficient for the motor to rotate.

In regard to Claims 13 & 17-24

Claim 13 was amended to include the limitations of claims 14 & 15, which were indicated as allowable, for reasons provided in the previous office action, if re-written to include the limitations of the independent claim.

In regard to Claims 42, 43, 46, & 47

Claim 42 was amended to include the limitations of claim 45, which were indicated as allowable, for reasons provided in the previous office action, if re-written to include the limitations of the independent claim.

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In regard to Claims 50, 51, 53, & 54

Claim 50 was amended to include the limitations of claim 52, which where indicated as allowable, for reasons provided in the previous office action, if re-written to include the limitations of the independent claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nakayama et al. (US 5,723,914)
- Schaefer (US 3,903,456)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

April 20, 2006



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
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